



CGC/141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent of:

Muhammed Majeed, et al.

U.S. Patent No.: 5,972,382

Art Unit: 1615

Issued: October 26, 1999

Examiner: J. Spear

Reexamination Application No. 90/006,250

Filed: March 19, 2002

Docket No.: 108064-00069

For: USE OF PIPERINE AS A BIOAVAILABILITY ENHANCER

SECOND REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
Attn.: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
APR 16 2004
of Correction
Date: April 9, 2004

Sir:

Concerning the Reexamination Certificate issued on March 4, 2003 and the Certificate of Correction issued on February 10, 2004 for the above identified patent, patentee requests that a second Certificate of Correction be issued according to the two attached forms PTO-1050.

REMARKS

Patentee requests that the second Certificate of Correction be issued to correct errors in the Reexamination Certificate mentioned below, as well as the Certificate of Correction issued on February 10, 2004.

04/13/2004 NUMBER1 00000125 5972382

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100.00 DP

APR 19 2004

Patentee requests that the Certificate of Correction of February 10, 2004 be disregarded because of erroneous line numbers printed by the U.S. Patent and Trademark Office. It will be too confusing if attempts to correct the Certificate of Correction of February 10, 2004 are made. Any substantive changes from the Certificate of Correction of February 10, 2004 are included within the Request herein.

In the Title Page of the Reexamination Certificate, patentee requests that the assignee information be corrected to show that the patent has been assigned to **Sabinsa Corporation, Piscataway, N.J.** and Sami Chemical & Extracts (P) Ltd., Bangalore, India (emphasis added). As indicated in the Petition filed on February 4, 2004 (which petition has been granted to correct an error in the assignee information printed), the correct assignees as supported by the assignment recorded in the reel and frame numbers provided in the Petition should be --Sabinsa Corporation, Piscataway, N.J. and Sami Chemical & Extracts (P) Ltd., Bangalore (IN)--.

In line 3 of claims 3, 4, 6 and 7 of the Reexamination Certificate, please replace "said patient" with "said subject" because the to-be-corrected recitation actually refers to "a subject" in line 2 of these claims. Patentee's counsel inadvertently typed "said patient" instead of "said subject" in the respective lines of claims 3, 4, 6 and 7, when attempting to make these claims independent of claim 1, in the Amendment under 37 CFR § 1.530 filed along with the Request for *Ex Parte* Reexamination on March 19, 2002. Patentee notes that claim 1 in both the original patent, Patent No. 5,972,382, and the Reexamination Certificate recites "a subject" in the preamble, but "a patient" was never recited in claim 1. Thus, it is apparent that "said subject", not "said patient", was intended all along in the

respective lines of claims 3, 4, 6 and 7 when these claims were made independent of claim 1 during the reexamination.

Similarly, in the last line of claims 4, 11, 26, 34, 41, 49 and 56 of the Reexamination Certificate, please replace "patient" with "subject" because the to-be-corrected recitation actually refers to "a subject" in line 2 or 3 of these claims. Patentee's counsel inadvertently typed "said patient", instead of "said subject", in the respective lines of these claims when attempting to make these claims independent in the Amendment filed on March 19, 2002 along with the Request for *Ex Parte* Reexamination. In the original patent, Patent No. 5,972,382, claims 11, 26, 34, 41, 49 and 56 recited "subject". Further, the marked-up version of the Amendment filed on March 19, 2002 did not specifically show the change from "subject" to "patient" in the amendment to claims 11, 26, 34, 41, 49 and 56, so no change was intended. Finally, in the base claims from which these claims originally depended, "a subject" was recited. Thus, it is apparent that "said subject", not "said patient", was intended all along in the respective lines of claims 4, 11, 26, 34, 41, 49 and 56 when these claims were made independent in the Amendment filed on March 19, 2002.

Patentee also requests that "or" be replaced with "of" in the last line of claim 4 in the Reexamination Certificate and "bioavailability on" be replaced with "bioavailability of" in claim 6 to correct printing errors made by the U.S. Patent and Trademark Office.

Patentee requests that "from 0.0004" be replaced with "from about 0.0004" in the second to the last line of claims 4, 11, 19, 26, 34, 41 and 49 and the last line of claim 56 to correct an inadvertent error of patentee's counsel in omitting "about" before "0.0004" in the amended versions of claims 4, 11, 19, 26, 35, 41, 49 and 56 in the Amendment under 37 CFR § 1.530 filed along with the Request for *Ex Parte*

Reexamination on March 19, 2002. It was "from about 0.0004" in these claims in the original patent, Patent No. 5,972,382. Patentee notes that the marked-up version of the Amendment under 37 CFR § 1.530 filed on March 19, 2002 did not specifically show the deletion of "about" in front of "0.0004" in the amendments to claims 4, 11, 19, 26, 35, 41, 49 and 56, so no deletion of "about" was intended.

In addition, patentee requests that spelling errors in the Reexamination Certificate made by the U.S. Patent and Trademark Office be corrected regarding "administering" in the second line of claim 1, "enhancing" in the fifth line of claim 6, "consisting" in the last line of claim 29, "thermogenesis" in the second line of claim 36, "potentiating" in the first line of claim 74, and "vanadium" in the last line of claim 93.

Please delete the second period at the end of claim 17.

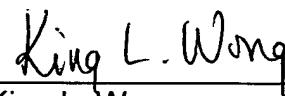
To correct typographical errors of patentee's counsel, patentee requests that "potentiating mount" be replaced with "potentiating amount" in the sixth line of claims 25, 26, 28 and 29, and the fifth line of claim 64.

In the Reexamination Certificate, "0.0004 mg/kg" was printed in claim 73, line 3. But it should be "0.00004 mg/kg" according to the Response to Office Action, page 6, filed on October 3, 2002 during the reexamination. The "0.0004 mg/kg" appears to be a printing error of the U.S. Patent and Trademark Office.

Patentee respectfully requests that the mistakes mentioned above be corrected with a second Certificate of Correction because the mistakes were of minor character that occurred in good faith, would not constitute new matter, and would not require reexamination.

The requisite fee of \$100.00 under 37 CFR 1.20(a) and 1.323 is also enclosed. In the event that the filing of this paper requires any additional fee, the necessary fee can be charged to Deposit Account No. 01-2300 with reference to attorney docket number 108064-00069.

Respectfully submitted,



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Enclosures: two forms PTO-1050;
a check of \$100.00